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DEPARTMENT FOR NEA/ARP, T, AND ISN/CPI CHARRINGTON

E.O. 12958: DECL: 12/03/2018
TAGS: PARM KNNP MNUC PREL AE
SUBJECT: EXPORT CONTROL UPDATE

REF: ABU DHABI 323

Classified by Ambassador Richard Olson, reasons 1.4 (b) and (d).

¶1. (S/NF) Summary: MFA recently confirmed that its proposed amendment to the Export Control Law -- to set up an independent authority to oversee the law -- had been altered by the Presidency, which assigned oversight to an existing committee in the Ministry of Interior. Staffing a new authority was deemed unfeasible. MFA offered no update on cases sent for prosecution under the Export Control Law, but said the fact that a case was referred for trial was a sign of success. The Ministry provided information on shipments previously detained at USG request and sought USG help in their disposition, while noting that intercepted shipments constitute the tip of a much larger iceberg. The Minister of Interior lamented to the Ambassador that the UAEG was often asked to intercept shipments that could have been stopped at a prior port of call. The Counter-proliferation Task Force (CTF) has been postponed to an unidentified date in early 2009. End summary.

Export Control Law

¶2. (C/NF) MFA's Director of International Organizations Yacub al-Hosani, Post's key diplomatic interlocutor on counterproliferation issues, told Pol Chief November 24 that the amendment to the Export Control Law recommended by the Cabinet had not been ratified, but had been altered by the Supreme Council (the rulers of the seven emirates) and the Presidency. The MFA (and cabinet) recommendation to create an independent authority to oversee the Export Control law was deemed logistically burdensome and the function was assigned to an existing committee in the Ministry of Interior (MoI) originally designed to oversee Chemical Weapons Convention (CWC) obligations.

¶3. (C/NF) Al-Hosani said the sudden decision had a certain logic, as recruitment of personnel to staff an independent authority would be very difficult. Consolidation under an existing entity was the preferred option. He said the MoI committee, of which he is a member, was active and would likely undergo some staff expansion to meet the new requirement. (He said MFA had originally recommended that the MoI CW committee coordinate through the new authority, but in effect the reverse was deemed appropriate.)

¶4. (S/NF) Al-Hosani had no update on the first case sent for prosecution under the Export Control Law (reftel), but said the fact that the case was sent to trial (rather than the details of the proceedings) was the important point and should be noted as a success, as it showed that the legal authorities had been established to pursue such cases. Pol Chief reminded al-Hosani that successful prosecution, and enforced penalties, are key to an aggressive application of the law and the source of its legitimacy. He nonetheless had no insights into the details of the ongoing case.

Shipments of Concern

¶5. (S/NF) Regarding shipments previously flagged by the USG as warranting inspection, al-Hosani said the UAEG had developed some

information to share with the USG. He subsequently provided a brief description of actions taken in four cases, including a few photographs. Post will translate the information and forward it to appropriate agencies. The UAEG is requesting USG advice and assistance on the disposition of some of the shipments.

¶6. (S/NF) Al-Hosani added, as he has done before, that these shipments represent a very small fraction of the problem. For every shipment we discuss another 100 are likely moving ahead, he lamented.

A more strategic approach to counter-proliferation would require forceful discussions with key source countries, he said, reiterating prior comments about China as the source of many of the troublesome articles.

¶7. (S/NF) Reminded that the U.S. Congress was intensely interested in the UAE's export control regime and often skeptical of progress, al-Hosani indignantly stated that the U.S. administration knew of, and often spoke favorably in public on, close bilateral cooperation. The UAE does not want to "hear otherwise" from separate USG voices and cannot accept congressional misunderstandings that the USG should have coordinated in advance (essentially saying "leave us out of your internal coordination problems").

¶8. (S/NF) In a separate conversation with the Minister of Interior (before we knew that MoI would oversee the export control authority), Minister Seif bin Zayed complained to the Ambassador that the UAEG was asked to stop shipments that could have been intercepted in Singapore or other "advanced" ports. Seeking UAE assistance in intercepting goods from a developing country was understandable, he suggested, but we should be able to work more closely with other advanced countries. The Ambassador stressed that we work hard to intercept goods near the point of origin but that the nature of the work often makes the UAE the most feasible. (Comment: This complaint continues a theme we often hear about "picking on the small UAE" rather than stopping shipments from getting this far. We often remind the UAE of the geographic and economic position by which it gains both benefits and obligations. End comment.)

CTF Postponed

¶9. (C/NF) Subsequent to these conversations, al-Hosani notified us of the UAEG's intent to postpone the Counterproliferation Task Force (CTF) into the new year, citing scheduling conflicts and holidays which prevent the UAEG from sufficient preparation before the originally-identified date of December 15. (Note: In addition to other commitments, the UAEG announced the closure of federal offices from Dec. 2 to 13 for local and Islamic holidays. End note.) Post has confirmed the UAEG's intent with more senior officials (CTF Chair Mohammed al-Qemzi in Dubai and MFA MinState for Foreign Affairs Dr. Anwar Gargash) but will not be able to coordinate an actual date until mid-December or later.

¶10. (S/NF) Comment: Bilateral counterproliferation cooperation is broad and active, but as these discussions confirm, we do not always operate on the same wavelength as the UAEG. The UAE will continue to experience personnel shortages, as the complexity of the portfolio and the multi-agency nature of the effort calls for experts who are not distracted with multiple portfolios; for his part, al-Hosani juggles a myriad of issues without much back-up. Recognition of its personnel and logistics challenges apparently led the UAEG to consolidate the Export Control Law under the MoI rather than create a new entity. End comment.

OLSON